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SUBJECT: LEGAL CONFERENCE SEEKS TO BOLSTER AZERBAIJAN'S  
POSITION ON FROZEN CONFLICTS

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Classified By: POL/ECON CHIEF JOAN POLASCHIK PER 1.4(b,d).

1.(C) Summary: International legal experts at an April 14-15 conference on "Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM States" overwhelmingly endorsed the GOAJ's position that NK and the other frozen conflicts should be solved on the principle of territorial integrity, rather than self-determination. Although Deputy Foreign Minister Araz Azimov criticized the Co-Chairmanship's domination of the Minsk group, he made it clear that he did not endorse changing the negotiation format completely or replacing any of the Co-Chairs. Azimov claimed that the conference supported Azerbaijan's position that military action to retake its territory is a "just act," an idea that also is reflected in the GOAJ's draft military doctrine (reftel). The GOAJ clearly organized this conference to bolster its position regarding the frozen conflicts. END SUMMARY

BACKGROUND ON THE CONFERENCE

12. (U) On April 14 and 15 the Ministry of Foreign Affairs of the Republic of Azerbaijan hosted an international conference titled "Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM States" in Baku. Conference participants included officials from each of the GUAM member states, diplomats from other countries, think-tank experts, and a number of academics and practitioners of international law. Azerbaijan's Foreign Minister and the Chairman of the GUAM Council, Elmar Mammadyarov, said in his opening statement that the main focus of the conference would be on how to apply principles of international law to the four so-called "frozen conflicts" involving GUAM states - Transnistria, South Ossetia, Abkhazia, and Nagorno-Karabakh. Mammadyarov stressed that the international community can avoid distrust and suspicions of double-standards in the negotiating process if it adheres to a strict legal framework.

¶3. (U) The conference featured discussions among international law experts, focused on the tension between the principle of maintaining territorial integrity and the principle of self-determination. The experts agreed that respect for territorial integrity is paramount in international law, and that the right to self-determination does not give a group the right to secede except in special circumstances.

¶4. (U) The international experts also argued that self-determination is an intra-state principle, giving all people within a given state the right to participate in governance. The right to secede belongs to a group only if the government is denying that group the right to participate in governance and oppressing that group in other ways. Chingiz Askarov, Azerbaijan's agent before the European Court of Human Rights, argued that, based on this principle, the conflicts in the GUAM states have nothing to do with self-determination. He stated that since the populations in the separatist regions all enjoyed economic and political rights prior to the start of the conflicts, they had no right to secede.

#### ROLE OF RUSSIA AND ARMENIA

¶5. (U) A lengthy theoretical discussion on the role of outside powers prompted discussion of the roles of Armenia and Russia in the conflicts. The legal experts concluded that any outside state assisting or creating a secessionist entity was committing an act of armed aggression. One legal expert directly applied his principle to Armenia, claiming that Armenia is an occupying power in Nagorno-Karabakh and responsible for all actions of that region.

¶6. (U) Moscow's role in the conflicts in Georgia and Moldova was also criticized. Vladimir Socor, a senior research fellow for the Jamestown Foundation, argued that Russia acts on the principle that international law does not apply in the states of the former Soviet Union, at least where Russian military and security services maintain a strong presence. Socor claimed that Russia prevents resolution of these conflicts as a means to maintain military footholds, to keep political leverage over the secessionist regions, and to make the countries of GUAM unattractive for Euro-Atlantic integration.

#### RETHINKING THE NEGOTIATING FORMATS

¶7. (U) A few participants criticized the current negotiating formats for the conflicts. Socor claimed that the negotiating formats in each of the four conflicts are relics from a period when the West did not yet understand the importance of the GUAM states, and therefore need to be transformed. Socor believes that Russia has too much influence through various veto mechanisms that it controls directly or through its proxies in the secessionist entities. The former Turkish ambassador to Azerbaijan, Osman Faruk Logoglu, argued that once a conflict is relegated to a certain organization or negotiating format, it gets pushed to the backburner and the rest of the international community simply washes its hands of the problem.

¶8. (U) These general criticisms fed into a more specific discussion of the Minsk Group, and particularly the Co-Chairs. During his closing statements for the conference, Deputy Foreign Minister Araz Azimov said that the issue of transforming the negotiating formats had to be examined on a case-by-case basis. He argued that the Co-Chairs had monopolized the process to some degree, although the Minsk Group as a whole contained a number of countries with diverse experiences and backgrounds that could be beneficial to the process. Azimov said that he does not see a

need to change the format completely, but believes that if the other members participated more actively in the negotiations, it would put pressure on the Co-Chairs to focus on the settlement itself as opposed to the promotion of their interests during the settlement. In response to a direct question on the issue, Azimov said that he did not support the approach of replacing any of the Co-Chairs but that his government had asked the OSCE about the procedures for replacing members of the co-chairmanship. He said that his government has yet to receive a response.

#### DFM AZIMOV WEIGHS IN ON NK

¶9. (U) In his closing remarks, Azimov argued that there was a need to "defreeze" the situation in Nagorno-Karabakh. Azimov stressed that he was not advocating a resumption of hostilities but urging that progress needed to be made in resolving the conflict. He believes that Armenia is in favor of keeping the situation in stasis by preventing Azerbaijanis from returning to Karabakh and maintaining a military face-off along the line of contact. This prevents contact between Azerbaijan and Nagorno-Karabakh, which threatens Armenia because Azerbaijan is becoming increasingly attractive for the region, according to Azimov. Azimov argued that economic factors, international law, and the build-up of military power will all have to be used to put pressure on Armenia. Azimov stressed that confidence-building measures are not a serious suggestion at this time, given the heavy military presence in the region.

¶10. (U) In assessing the conference, Azimov stated that the legal principles discussed had strengthened the positions of the GUAM states. Referring to Nagorno-Karabakh, Azimov claimed that based on the discussions from the conference he felt that military action by Azerbaijan to retake control of its territory would be a "just act." One legal expert interrupted to suggest that international law favored

peaceful solutions, but when Azimov put forth the argument that Armenia was engaged in an occupation and Azerbaijan had the legitimate right to self-defense, the lawyer replied that he could not argue with that claim.

#### COMMENT

¶11. (C) The Azerbaijani MFA clearly orchestrated this conference in order to bolster its view that the principle of territorial integrity trumps self-determination in the GUAM conflicts. The international legal experts did not seem to have much background or knowledge of the specifics of the conflicts they were discussing, and mostly spoke at a theoretical level. Their arguments clearly supported the principle of territorial integrity over self-determination and therefore favored the positions of the GUAM states. Deputy Foreign Minister Azimov's conclusion that the international law supports Azerbaijani military action to retake control of its territory as a "just act" is somewhat worrisome, and reflects the legal position the GOAJ has staked out in its draft military doctrine (reftel).

¶12. (C) Overall, the tone of the conference was civil, reflecting the collegial and largely theoretical contributions of the international law experts who dominated the discussions. Although Azimov's remarks demonstrated frustration with the Minsk Group, he made it clear that he did not endorse changing the negotiations format or replacing the members of the co-chairmanship. The Co-Chairs' vote against Azerbaijan's UNGA resolution was mentioned in passing but not discussed in any detail, suggesting that tension over this issue is possibly subsiding.

